

## REMARKS

In the Office Action, the Examiner rejected claims 1-24 under 35 U.S.C. §102(e) as being anticipated by the patent to Brothers et al., U.S. Patent No. 6,601,647.

In order to overcome this rejection, a Declaration Under 37 C.F.R. § 1.132 is enclosed herewith indicating that the invention disclosed, but not claimed in the reference, was derived from the inventors of this application and thus, not the invention by another. It is respectfully submitted that in view of the Declaration, the rejection of claims 1-24 under 35 U.S.C. §102(e) should now be withdrawn. As the Examiner will note, the Declaration is signed by two of the inventors Lance E. Brothers and Krista L. Keener. The other inventor left the employment of the Assignee, Halliburton Energy Services, Inc. and his present location has not been determined.

The Examiner also rejected claims 1-2, 6, 8-13, 17, and 19-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 6, 8-13, 17, 19, and 20-24 of U.S. Patent No. 6,601,647. In order to overcome this rejection, a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) is submitted herewith. Accordingly, it is respectfully submitted by the Applicants that claims 1-2, 6, 8-13, 17, and 19-20 should now be allowed.

This is intended to be a complete response to the Office Action mailed on March 10, 2004, and the allowance of claims 1-24 is respectfully requested.

I hereby certify that this correspondence is  
being deposited in the United States Postal  
Service as first class mail in an envelope  
addressed to: Mail Stop Non-Fee Amendment;  
Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450.

Stephanie A. Miller  
Stephanie A. Miller

Date: 5-12-04

Respectfully submitted,

C. Clark Dougherty Jr.

C. Clark Dougherty, Jr.  
Registration No. 24,208  
McAfee & Taft  
Tenth Floor, Two Leadership Square  
211 North Robinson  
Oklahoma City, Oklahoma 73102  
405-235-9621 (Telephone)  
405-235-0439 (Facsimile)  
E-Mail: [clark.dougherty@mcafeetaft.com](mailto:clark.dougherty@mcafeetaft.com)  
Attorney for Applicant